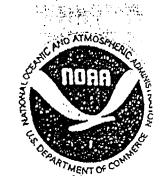# Facsimile
Transmission from
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Date:

To: **Dept of Justice**

Location: **Microsoft anti-trust**

Fax Number: **202 616 9937**

From:

Number of Pages *INCLUDING* cover sheet: **5**

Message:

To whom it may concern,

I am an IT Officer with NOAA. We use open source software a lot and feel
the DOJ/Microsoft settlement has loopholes that Microsoft can use to
eradicate its only real competition right now...the Open Source Software
Movement.

FIRST:

There are certain file and document saving protocols Microsoft uses to
save documents. These documents are deciphered into human readable
text by Microsoft products. These document formats should be published
and open so anyone can write an application to read them and display and
manipulate them. By closing the document format Microsoft has a lock on
the sole application that can read them. This is bad and perpetuates
Microsoft's natural monopoly. By opening these document formats,
competitors whether open source or commercial vendors, can all write
software to read these document files. Some examples of Microsoft
applications that create closed format document files are:
Microsoft Office, Microsoft Word and Power Point and there are others
such as spread sheets etc. The main issue here is the software can
remain closed and protected and can compete based on its usability,
functionality and security aspects....but NOT on its file format...which
should not be a legally patentable entity in a competitive environment.

ACTION: Force Microsoft and any future companies writing proprietary
closed software to publish file and document formats, for current and
future applications, to the extent that ANY software developer whether
for profit or non-profit could write an application to view and modify
that document and resave it in the same format.

BENEFITS: This prevents natural monopolies from forming in the
first place. Forces microsoft to write better and more secure software;
because, if the does not (since the doc formats are opened up) someone
else will. Competition and choice is open up and playing field is level.
Other software writers can have access to the file formats and can
focus more on writing good software instead of trying to figure out
how Microsoft document files are saved. This will naturally eliminate
Microsoft's monopoly in the Office applications environment and will
stop or significantly reduce what are surely national security risks in
Microsoft Outlook email software by bringing real competition to this
now proprietary (Microsoft) product.

SECOND:

We often buy computers and put "non-Windows" operating systems
on them. This is a very technical office and expertise in UNIX and
computing in general. Finding a supplier that sells an OEM
computer with a "non-Windows Operating System" or "no
operating system" as you could do in the early and mid 90's...is
impossible today. Microsoft essentially demands OEM's to
include Windows on every machine they ship out the door. This
also perpetuates Microsoft's natural monopoly. We as an organization
need a choice when we buy an OEM computer. I would like to
see a scenario much like the early and middle 90s' where you
purchased the computer and Operating System separately. This
eliminates all the back rubbing and hidden costs that go into
today's OEM computers from Dell, Compaq and others.

ACTION: Make it illegal for an Operating System developer to
bundle or require any OEM computer supplier to bundle their
operating system with any OEM computer. Leave it only to
retailers or consumers to install the operating system of
choice. OEM's shall not be involved in operating system
installation. This is a conflict of interest and a road block to
competition in the market place. Much like you choose which
cell phone you choose to use with your provider, or which
TV you choose to watch your cable service with.

BENEFITS: Again brings competition back to the computer operating
system market. The operating system will have to stand on its
own merits based on consumer perceptions of reliability, usability
for a specific purpose, security and costs. This also allows upstarts
to get a foothold in the marketplace by dis-allowing Microsoft the
ability to "force" OEMS to install Windows on all computers.

THIRD:

Networking protocols!!! This is a biggie. This is the future of not
just the internet but e-commerce of the future. No company and
I mean NO COMPANY should be able to patent or close any
networking protocol to block out other competitive Operating
Systems. Networking protocol should be approved by and
independent body and be published so that any computer operating
system can communicate with any other computer operating
system at the most fundamental level. Right now microsoft
has their own internal networking protocol that is closed. This
is to prevent rival operating systems from communicating with
the Windows operating system. This locks corporations,
organizations and businesses into the Microsoft platform. There
is a project called SAMBA which is a not for profit organization
that has tirelessly and painfully tried to figure out how Microsoft's
networking protocol works so that other computer operating
systems like HP-Unix and Linux can communicate and
exchange information with Windows and NT servers and
desktops. The DOJ solution does not insure that Microsoft
will publish these networking protocols and will essentially
give Microsoft LEGAL means to kill the SAMBA project which
our organization depends on to function. We also need Apache
the free web server used by most of the Internet Service
Providers. The lack of strong wording in the DOJ solution
give Microsoft new LEGAL grounds to shut down apache
servers and put into there place...Microsoft products. This
certainly does not halt the Microsoft monopoly but instead
perpetuates it!

ACTIONS: Force Microsoft and any rival operating system
they create to release networking protocol for review by an
official body of experts and publish this protocol so any software
developer whether commercial or not for profit can use
this information to write networking software that is more
secure and more functional that Microsoft's that will fully
communicate with Microsoft products and services and
allow them to work with rival operating systems.

BENEFITS: Opens up competition in the server and networking
environment. Allows all software vendors access to the
operating systems core communication network protocol so
more secure and stable server and networking software can
be written.

I hope these additions can be added to the DOJ solution
to the Microsoft trial. I feel at the present rate of
expansion of Microsoft products and, the severe lack of
competition, is leading to national security nightmare.
Microsoft is not being held accountable for huge security
loop holes simply because there is no competition. This
lack of competition allows Microsoft to slack off on
refinement of essential networking and software issues
that are so central to security. By incorporating these
changes into the settlement, we can have real
competition in the Operating System market place and
will again see progress made in the computer market.
The days of closed formats is over. Protecting the
software with patents is fine...writing and re-writing core
networking, communication and file format protocol and
patenting that to lock out competition is wrong and is
against all the principles this country was founded on.
Microsoft will continue to change its file formats and
networking protocol and will force users to upgrade to
lock out competitors unless these issues are addressed.
Please consider them.

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